



**South Florida Water Management District
Regulatory Peer Review Forum
October 3, 2003
10am-noon**

SUMMARY

Attendees:

Jay Foy	Stormwater J Engineering, Inc.
Howard Searcy	LBFH, Inc.
Tracy Robb	North Palm Beach Improvement District
Alan Wertepny	Mock Roos & Associates
Gerry Ward	Ward Engineering
Patrick Martin	Lake Worth Drainage District
Fred Roth	M. Schorah & Co
Jordan Nichols	Higgins Engineering
Suelynn Dignard	SFWMD - Coastal Ecosystems Division
Tony Waterhouse	SFWMD - Surface Water Management Division
Anita Bain	SFWMD – Environmental Resource Compliance Division
Maria Clemente	SFWMD – Environmental Resource Compliance Division
Beth Colavecchio	SFWMD - Regulatory Information Management Division
Anne Roth	SFWMD - Regulatory Information Management Division
Terrie Bates	SFWMD – Environmental Resource Regulation Staff
Damon Meiers	SFWMD – Environmental Resource Regulation Staff
Ralph Fanson	SFWMD - Environmental Resource Regulation Staff
Joanne Arasin	SFWMD – Environmental Resource Regulation Staff

1. Opening remarks and review of previous meeting minutes (Terrie Bates)

Ms. Bates began the meeting by introducing Damon Meiers, recently-appointed Deputy Department Director, who will be the meeting facilitator, starting with the December 5 meeting.

There were no comments on the minutes of the previous meeting.

2. District Updates (Terrie Bates)

Ms. Bates observed that probably all those present were aware by now that Tommy Stowd, Director of Operations Control, would soon be leaving the District. No successor has been selected.

The District is considering making changes to Water Resources Resource Area – headed by Chip Merriam. This *could* lead to a renewed emphasis in basin planning,

CERP becoming a smaller more focused unit, creation of planning units with area responsibilities, Water Use Division possibly rejoining Environmental Resource Regulation (ERR) Department, and some ERR elements joining CERP.

Mr. Ward commented that the District sometimes doesn't look at the bigger picture when considering hydrology and hydraulic matters. Ms. Bates said that present agency thinking was that, if such a unit were created, it would support ERR, Operations, and CERP. Mr. Ward remarked that DEP's office creation had not gone well.

Mr. Martin advised that it would be important for such a unit to consider how individual projects dovetail and overlap – a regional view or overview, and that the public be kept well-informed of the unit's activities.

There was a discussion of problems associated with the inter-actions of various elements of water management in Palm Beach County. Mr. Meiers commented that the District reorganization could be a means to deal with such problems. There was further discussion of future roles for an hydrology and hydraulics planning unit, or units.

Mr. Ward expressed concern that such units could fail to focus on issues of importance to supported units. Ms. Bates described how all departments in Water Resources Resource Area met for two hours weekly with Mr. Merriam, to keep on track.

3. C-51 Update (SueLYnn Dignard)

Ms. Dignard very recently received part of the third deliverable, and distributed copies to those present who review the deliverables. On Tuesday, October 7, the District is to receive the rest of the third deliverable: results of another model run and recommended basin rule text. There was a discussion of the details of the model run.

The meeting to discuss comments is scheduled for Friday, October 10, in Conference Room 3W of Building B-2. Ms. Dignard reminded those reviewing the deliverable that it was still a draft. So, while it was public information, she would appreciate being told if any of the information in the deliverable was provided to third parties.

There was a general discussion of the assumptions and details in the third deliverable. Mr. Martin commented that the C-51 Basin Restudy had been an excellent example of various District units working well, together and with the public.

Ms. Bates announced that Mr. Meiers would be the lead on the C-51 Basin Rule rule-making process.

2. District Updates (continued)

Ms. Bates introduced Ms. Bain as the recently-promoted Director of Environmental Resource Compliance Division, and announced that Ed Cronyn had been promoted by Natural Resource Management Division Director Rob Robbins to fill the Supervising Professional position vacancy created when Ms. Bain was promoted.

Mr. Robbins has been involved in training sessions about the soon-to-become-effective wetlands functional assessment criteria. Training has occurred in Miami-Dade and Broward counties, and is scheduled for Palm Beach and Lee counties. The effective date is February 2, 2004.

Mr. Robbins' next major project would be rule-making for amending cumulative impacts criteria. Particularly in southeast Florida, basins are so small that it can often be hard to keep mitigation *in* a basin. There is a need to revise the criteria. The District is considering having a Governing Board member chair the project, to mediate the differing philosophies of local governments as opposed to those of mitigation bankers.

There was a general discussion of possible candidates for the Chair position, as well as the differences among the terms "drainage basins", "watersheds", and "ecological basins". Ms. Bates said the District wanted criteria which were more ecology-based and less water drainage-based.

Ms. Bates distributed copies of Attachment 1. In it is set forth a proposal that, with a few exceptions, activities in Florida which receive an ERP from FDEP or a water management district would automatically be covered by a U.S. Corps of Engineers State Programmatic General Permit (SPGP). Mr. Ward said he liked this approach, but only if FDEP were well-involved.

There was general discussion of various aspects of such an SPGP. Ms. Bates said that, at the most recent meeting on the subject at which the Corps was present, the Corps felt that state-wide was too broad but might accept a regional GP approach. There was a general discussion of various viewpoints of the Corps on this subject.

4. ERR Web Page for Peer Review Forum (Ralph Fanson)

Mr. Fanson distributed a handout for the new Peer Review Forum web site which was implemented one week prior to the Peer Review meeting (See Attachment 2.) The new web site can be found at www.sfwmd.gov/org/reg/peer_group.htm. Peer Group members must use Internet Explorer version 5 or higher to access the web page. The web page includes the minutes of the previous meeting, the agenda for the next meeting, and archived minutes and agendas. It also includes the proposed meeting schedule for 2004.

A suggestion from the Peer Group with regard to the introduction segment of the membership was that representatives from local and state governments should be included and would read: "Members of the Peer Review Group include representatives from local and state governments, as well as representatives of firms who regularly submit permit applications for projects within the East Coast area."

Mr. Meiers requested that, when his name replaces that of Ms. Bates as the Meeting Facilitator, the format be as a direct e-mail link. He also requested that his telephone number be included.

ERR will continue to honor the commitment that the agenda and minutes will be posted at least one week and one weekend prior to the date of the next meeting. The Peer Group will be notified by e-mail that the agenda and minutes have been posted. Paper copies of the agenda will be provided at each meeting. To receive a paper copy of the agenda and minutes, please notify Joanne Arasin by e-mail (jarasin@sfwmd.gov) or telephone (561-682-6900).

Special thanks to Elizabeth Marshall for getting the new web site up and running so quickly!!

2. District Updates (continued)

Ms. Bates announced that one of Mr. Meiers' assignments will be *de minimis* items.

5. Public Service Improvement Program (Terrie Bates)

Ms. Bates distributed copies of Attachment 3, and briefly discussed the various items it contained. Mr. Ward felt that ERR Public Files should be receiving paper copies of ERP's issued by the counties which are issuing them. There was a general discussion of various associated issues.

There was discussion of the status of District WU on-line permitting and of District on-line permitting in general.

Mr. Foy raised several points about how best to show the information presented in the early/legal board graphs. There were brief discussions of the workload graphs and the construction completion/certification backlog graphs.

Mr. Foy said he appreciated the telephone calls being made by ERP application reviewers before they send 30-day letters. There was a general discussion of the permit application process flow improvements. Mr. Foy commented that it still took 30 days for the District to respond. There was a general discussion of the factors which lead to items not being finalized until near the end of mandatory time frames, the time frames in which consultants operate, and the impacts of reviews by other agencies.

6. Next Meeting date/topics/adjournment

Mr. Foy asked if updating the Group on FDEP's present thinking about dry detention would be a suitable topic at the next meeting. After some discussion Ms. Bates said the subject should be deferred to later than the next meeting.

Mr. Wertepny asked for news on "the Harvey Report". Mr. Waterhouse said that FDEP had hired Dr. Harvey to perform studies and produce a report on state-wide adoption of the methodologies Harvey developed for southwest Florida. This would be for Corps of Engineers permits, not FDEP or WMD ERP's.

There was a discussion of the applicability of such an approach to FDEP and WMD criteria. Mr. Foy expressed strong concerns about the correctness of Harvey's methodologies, and cautioned against adopting permit review criteria based on bad methodology. There was a discussion of how TMDL's might be related to Harvey's methodologies.

Mr. Martin described problems LWDD was encountering attempting to implement water quality for "Eastward Ho!"-type activities. There was little support from other regulatory agencies. Mr. Foy recommended that Mr. Martin review some proposals on the matter which were recently put together by Mr. Foy and Ken Todd, and then decide how to proceed. Mr. Martin said he knew the SFWMD couldn't do more than it presently did, because of existing criteria. He asked if the criteria might need to be changed.

Mr. Ward distributed copies of Attachment 4, and recommended that Group members keep informed. He also provided a few copies of the Report. To obtain a copy, please contact Joanne Arasin via e-mail (jarasin@sfwmd.gov) or by phone at 561-682-6900.

The next meeting is scheduled for Friday, December 5, at 10am, in the Rogers Conference Room.

The meeting adjourned at 11:45am.

c: H. Dean - Executive Director
C. Wehle - Assistant Executive Director
S. Wood - District General Counsel
C. Merriam - Deputy Executive Director - Water Resources
A. Sewell - Media and Community Relations
T. Bates - Director - ERR
D. Meiers - Deputy Director - ERR
Environmental Resource Regulation Division Directors

ATTACHMENT 1

Hopping Green & Sams

Attorney at Law

September 3, 2003

Mr. Henry Dean
South Florida Water Management District
Post Office Box 24680
West Palm Beach, FL 33416-4680

RE: Partial Delegation of Corps Permitting to Florida

Dear Mr. Dean:

The U.S. Army Corps of Engineers (Corps) and the Florida Department of Environmental Protection (Department) are in the process of developing a cooperative agreement to essentially authorize partial delegation of the federal dredge and fill program to the State for projects with relatively minor impacts. We represent a group of interested stakeholders participating in this process who would appreciate your support.

Implementation of the cooperative agreement would eliminate the need for a federal Corps permit for certain activities impacting waters of the United States and allow Florida's permitting program to control through what is called a State Programmatic General Permit (SPGP). This approach provides for greater efficiency, especially due to the protections afforded through the Florida Administrative Procedures Act, and recognizes the value of Florida's Environmental Resource Permitting (ERP) program. Because this form of delegation by agreement here in Florida has been successful in the past for very limited types of projects, the current efforts are intended to expand the types of eligible projects and expand the geographic scope of coverage to the entire State, with implementation by both the Department and the water management districts.

The interested stakeholders participating in the development of the new cooperative agreement include the Florida Chamber of Commerce, the Florida Transportation Builders' Association, the Florida Associated General Contractors, the Florida Home Builders Association, the Association of Florida Community Developers, the Underground Utility Contractors of Florida, the Associated Builders and Contractors of Florida, the Florida Electric Power Coordinating Group, the Florida Engineering Society, and Jet Dock Systems, Inc.

On behalf of these participants, we developed a "straw-man" proposal that is being reviewed and considered by both the Department and the Corps and which is attached for your information, along with a one-page explanation of the need for a new cooperative agreement with an expanded scope.

The streamlining achieved through the cooperative agreement is very helpful from both an agency and regulated interests standpoint, and the environment remains fully protected. We hope that you will join us in supporting this significant permitting improvement. The stakeholders are meeting with Department and Corps representatives on September 15th and hope that the entire process is completed by year's end. If you have any questions or would like any additional information regarding the progress of the new cooperative agreement, please let us know.

Sincerely,

HOPPING GREEN & SAMS, P.A.

A handwritten signature in black ink, appearing to read "Angela R. Morrison", with a long, sweeping horizontal line extending to the right.

Frank E. Matthews
Angela R. Morrison

FEM/ARM

Enclosures

195184

Expansion and Renewal of the State Programmatic General Permit (SPGP) For Florida

The U.S. Army Corps of Engineers (Corps) and the Florida Department of Environmental Protection are working together to expand and renew the existing State Programmatic General Permit for Florida (SPGP III-R1), which has been in place since 1997 and essentially allows "one-stop" permitting for dredge and fill activities.

The SPGP streamlines the permitting process for projects impacting wetlands or other waters of the United States by eliminating the need for duplicative federal permitting for smaller projects that have relatively minor impacts and that are already being regulated by the State. This streamlining has become more important in recent years as the number of individual Corps permit applications has increased. This increase in applications is attributable to the reduction in the acreage threshold for "Nationwide" general permits from 10 acres down to 0.5 acres for most types of projects. As a result, many projects became ineligible for the administratively efficient general permits and were instead required to apply for individual Corps permits. This change significantly increased the Corps' workload without a corresponding increase in staff. Consequently, issuance of a Corps permit can take several months or even years, depending on the complexities involved, and usually lags behind issuance of the corresponding state permit.

Through a cooperative agreement and the "SPGP," the Corps essentially delegates its permitting authority (under both Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act) to the State for smaller projects, greatly reducing the duplicative permitting burden on the federal government and regulated interests. The State's process already requires a comprehensive review under Florida's Environmental Resource Permitting (ERP) program and also provides greater certainty for timely issuance of the permit through the Florida Administrative Procedures Act.

Because of the success of the current SPGP and the desire for permit streamlining, the state and federal agencies as well as regulated interests are working together for the renewal and expansion of the SPGP to cover a broad range of projects that impact a relatively small area of wetlands or waters of the United States (e.g., less than five to ten acres). While the SPGP would cover most projects that have minimal impacts, projects requiring a formal consultation with the U.S. Fish and Wildlife Service would continue to receive individual Corps permits. Also, while the current SPGP is limited in its geographic scope, the new SPGP is expected to apply statewide and would be implemented by both the Department of Environmental Protection and the regional water management districts.

As stated above, representatives from the Corps and the Department of Environmental Protection along with interested stakeholders are diligently working toward issuance of a new SPGP. Because the current SPGP is scheduled to expire in December of 2003, it may be extended for a few additional months. The new SPGP is expected to be finalized by the end of the year, with an effective date in early 2004.

August 22, 2003

STATE PROGRAMMATIC GENERAL PERMIT STATE OF FLORIDA - (SPGP IV)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has reached an agreement with the State of Florida for issuance of a new State Programmatic General Permit (SPGP IV) to avoid duplication of permitting between the Corps and the Florida Department of Environmental Protection (DEP) and water management districts for minor work located in waters of the United States, including navigable waters. Implementation of prior SPGPs in Florida have demonstrated that environmental protection continued while increasing service to the public. The Corps and the State have reached a new agreement to expand upon the scope of activities covered by the current SPGP, reflecting a second generation of cooperation. The new SPGP covers a broad range of activities and covers the entire State of Florida. This new SPGP (SPGP IV) supercedes and replaces all prior versions of the SPGP, although existing authorizations under any of the prior versions of the SPGP will be valid until the expiration date specified on the written authorization.

AUTHORITY: Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

COORDINATION AGREEMENT: An agreement has been signed by both the Corps and the DEP (on behalf of itself, and the five water management districts) which outlines the steps each agency (including the water management districts) will take during the processing of an application under the SPGP. The agreement, including all attachments, is, hereby, made a part of this SPGP (SPGP IV).

TYPES OF WORK: The following types of work will be covered by this SPGP if the impacted area of hydrologically connected waters of the United States and waters of the State of Florida is five acres or less and the total wetland/waters of the United States and waters of Florida area (inclusive of isolated wetlands) is ten acres or less, except where an exclusion identified below applies.

a. *Shoreline Stabilization* (riprap, seawalls, and other shoreline stabilization are included; groins, jetties, breakwaters, and beach nourishment/re-nourishment are excluded).

b. *Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas* (private, single-family boat ramps and structures requiring 50 cubic yards of fill material or less are included; public non-commercial, commercial, or private multi-family boat ramps or launching facilities are excluded).

c. *Docks, Piers, Marinas, and Associated Facilities.*

d. *Maintenance Dredging of Canals and Channels.*

e. *Utility Line Activities* (e.g., including the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines).

f. *Linear Transportation Projects* (e.g., highways, railways, trails, airport runways, taxiways, etc.).

g. *Single Family Housing* (e.g., construction or expansion of a single-family home and attendant features such as a garage, driveway, storage shed, septic field, etc.).

h. *Residential, Commercial, and Institutional Developments* (e.g., multiple and single unit developments, retail stores, industrial facilities, restaurants, business parks, shopping centers, schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, places of worship, etc., and attendant features such as roads, parking lots, garages, yards, utility lines, stormwater management facilities, and recreation facilities such as playgrounds, playing fields, and golf courses).

i. *Agricultural Activities* (e.g., agricultural production and building pads for farm buildings, drainage tiles, ditches, levees, land clearing and leveling, relocation of existing ditches, etc.).

j. *Recreational Facilities* (e.g., golf courses; playing fields for baseball, soccer, football, etc.; basketball and tennis courts; racetracks; stadiums; arenas; etc.).

k. *Stormwater Management Facilities* (e.g., stormwater ponds/facilities, detention basins, retention basins, water control structures, outfall structures, emergency spillways, etc.).

l. *Mining Activities.*

m. *All activities exempted by DEP or water management district (listed in Table 1).*

n. *All activities covered by a DEP or water management district Noticed General Permit (listed in Table 2).*

Table 1. State of Florida Exemptions	
EXEMPTION (F.A.C.)	ACTIVITY
62-312.050(1)(l); 40B-400.051(2)(a); 40C-4.051(12)(a); 40D-4.051(9)(a); 40E-4.051(1); 403.813(2)(h), Fla. Stat.	The repair or replacement of existing functional pipes or culverts used for stormwater conveyance
62-312.050(1)(e); 40B-400.051(2)(b); 40C-4.051(12)(b); 40D-4.051(9)(d); 40E-4.051(2)(a); 403.813(2)(f), Fla. Stat.	Maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures
62-312.050(1)(q); 62-312.050(1)(k); 40B-400.051(2)(c); 40E-4.051(2)(b); 403.813(2)(g), Fla. Stat.	Maintenance of functioning insect control structures, dikes, and irrigation, drainage and roadway ditches
40B-400.051(2)(d); 40C-4.051(12)(c); 40E-4.051(2)(c)	Maintenance of minor silvicultural surface water management systems
62-312.050(1)(v); 40B-400.051(2)(e); 40C-4.051(12)(d); 40E-4.051(2)(d); 403.813(2)(p), Fla. Stat.	Restoration of less than 100 feet in length of existing insect control impoundment dikes and maintenance of the connection of such impoundments to tidally influenced waters
62-312.050(1)(c);	Installation, replacement or repair of mooring pilings and dolphins associated

40B-400.051(2)(f); 40C-4.051(12)(e); 40D-4.051(9)(b); 40E-4.051(3)(a); 403.813(2)(b), Fla. Stat.	with private docks
62-312.050(1)(d); 40B-400.051(2)(g); 40C-4.051(12)(f); 40D-4.051(9)(c); 40E-4.051(3)(b); 403.813(2)(b), Fla. Stat.	Installation of private docks of 500/1000 square feet or less of surface area over wetlands or other surface waters
62-312.050(1)(h); 40B-400.051(2)(h); 40C-4.051(12)(g); 40E-4.051(3)(c); 403.813(2)(i), Fla. Stat.	Construction of private docks in artificially created waterways
62-312.050(1)(i); 40B-400.051(2)(i); 40C-4.051(12)(h); 40E-4.051(3)(d); 403.813(2)(d), Fla. Stat.	Replacement or repair of existing docks and mooring piles
62-312.050(1)(f); 40B-400.051(2)(j); 40C-4.051(12)(i); 40D-4.051(9)(e); 40E-4.051(3)(e); 403.813(2)(c), Fla. Stat.	Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters
62-312.050(1)(g); 40B-400.051(2)(k); 40C-4.051(12)(j); 40E-4.051(4)(a)	Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways
62-312.050(1)(j); 40B-400.051(2)(l); 40C-4.051(12)(k); 40E-4.051(4)(b); 403.813(2)(e), Fla. Stat.	Restoration of seawall or riprap at its previous location or upland of or within one foot waterward of its previous location
62-312.050(1)(t); 40B-400.051(2)(m); 40C-4.051(12)(l); 40E-4.051(4)(c)	Construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments
62-312.050(1)(r); 40B-400.051(2)(n); 40C-4.051(12)(m); 40E-4.051(5)(a); 403.813(2)(m), Fla. Stat.	Installation of subaqueous transmission and distribution lines laid on or embedded in waters and wetlands
62-312.050(1)(s); 40B-400.051(2)(o); 40C-4.051(12)(n); 40E-4.051(5)(b); 403.813(2)(n), Fla. Stat.	Replacement of subaqueous transmission and distribution lines laid on or embedded in waters and wetlands
40B-400.051(2)(p);	Activities necessary to preserve, restore, repair, remove or replace an

40C-4.051(12)(o); 40E-4.051(5)(c)	existing communication or power pole or line
62-312.050(1)(u); 40B-400.051(2)(q); 40C-4.051(12)(p); 40E-4.051(6)(a); 403.813(2)(l); Fla. Stat.	Replacement or repair of existing open-trestle foot bridges and vehicular bridges ≤ 100 feet in length and ≤ 2 lanes in width
62-312.050(1)(b); 40B-400.051(2)(r); 40C-4.051(12)(q); 40E-4.051(7); 403.813(2)(k), Fla. Stat.	Installation of aids to navigation and buoys associated with such aids
40B-400.051(2)(s); 40C-4.051(12)(r); 40E-4.051(8)	Construction of freshwater fish attractors by Florida Game and Freshwater Fish Commission (now Fish and Wildlife Conservation Commission)
40B-400.051(2)(t); 40C-4.051(12)(s); 40E-4.051(9)	Installation of piling support structures associated with water testing or monitoring equipment by the Department or District
40B-400.051(2)(u); 40C-4.051(12)(t); 40E-4.051(6)(b)	Construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways
62-312.050(1)(a); 40B-400.051(2)(v); 40C-4.051(12)(u); 40E-4.051(5)(d)	Installation, removal, and replacement of utility poles that support telephone or communication cable lines, or electric distribution lines ≤ 35 kv
40B-400.051(3); 40C-4.051(13)	Treatment or disposal systems
40E-4.051(10)	Agriculture, silviculture, floriculture, and horticulture
62-312.050(1)(o)	For grandfathered activities in 62-312.150 and 62-312.160, the deposition of up to and including 25 cubic yards of material in areas where there are transitional vegetation species
62-312.050(1)(p)	The construction of, or dredging or filling in, artificial waterways
373.406(6), Fla. Stat.	Activities determined to have minimal or insignificant individual or cumulative adverse impacts
373.406(7), Fla. Stat.	Certified aquaculture activities applying best management practices
373.406(8), Fla. Stat.	Implementation of measures for environmental restoration or water quality improvement on agriculture lands
373.406(9); Fla. Stat.	Implementation of interim measures or best management practices adopted pursuant to Section 403.067, with minimal individual or cumulative adverse impacts
403.813(2)(j), Fla. Stat.	Construction and maintenance of swales
403.813(2)(q), Fla. Stat.	Construction, operation, and maintenance of stormwater management facilities
403.813(2)(a), Fla. Stat.	Installation of overhead transmission lines
403.813(2)(r), Fla. Stat.	Removal of aquatic plants, tussocks, and organic detrital material
403.813(2)(s), Fla. Stat.	Construction, installation, operation or maintenance of floating vessel platforms and boat lifts
403.813(2)(t), Fla. Stat.	Repair, stabilization, or paving of existing county-maintained roads, and repair or replacement of bridges within the NFWMD
403.813(2)(u), Fla. Stat.	Removal of organic detrital material by individual residential property owners

Table 2. State of Florida Noticed General Permits	
NOTICED GENERAL PERMITS (F.A.C.)	ACTIVITY
62-312.801	Minor works within national forests in Florida by U.S. Forest Service
62-312.803; 62-341.417; 40B-400.417; 40C-400.417; 40D-400.417; 40E-400.417	Construction, alteration and maintenance of boat ramps and associated accessory docks
62-312.808; 62-341.427; 40B-400.427; 40C-400.427; 40D-400.427; 40E-400.427	Construction, extension, and removal of certain piers and associated structures
62-312.804; 62-341.431; 40B-400.431; 40C-400.431; 40D-400.431; 40E-400.431	Installation of riprap
62-312.805	Headwalls and culverts associated with a stormwater discharge facility
62-312.812	Low water crossings
62-312.813; 62-341.437; 40B-400.437; 40C-400.437; 40D-400.437; 40E-400.437	Installation of fences
62-312.814	Construction of freshwater fish attractors for Florida Game and Freshwater Fish Commission (now Fish and Wildlife Conservation Commission), U.S. Forest Service, and county and municipal governments
62-312.815	Ski jumps and slalom courses
62-312.816; 62-341.439; 40B-400.439; 40C-400.439; 40D-400.439; 40E-400.439	Construction or maintenance of culverted driveways, roadway crossings, and bridges of artificial waterways
62-341.443; 40B-400.443; 40C-400.443; 40D-400.443; 40E-400.443	Minor bridge alteration, replacement, maintenance and operation by the Florida Department of Transportation (FDOT)
62-312.809	Minor bridge construction by FDOT
62-312.806; 62-341.447; 40B-400.447; 40C-400.447;	Minor activities within existing rights-of-way or easement by FDOT, counties and municipalities

40D-400.447; 40E-400.447	
62-312.822; 62-341.453; 40B-400.453; 40C-400.453; 40D-400.453; 40E-400.453	Installation, maintenance, repair and removal of underground cable, conduit or pipeline
62-312.817; 62-341.455; 40B-400.455; 40C-400.455; 40D-400.455; 40E-400.455	Construction of aerial pipeline, cable and conduit crossings of certain waters
62-312.818; 62-341.457; 40B-400.457; 40C-400.457; 40D-400.457; 40E-400.457	Construction of subaqueous utility crossings of artificial waterways
62-341.463; 40B-400.463; 40C-400.463; 40D-400.463; 40E-400.463	Construction and operation of culverts and associated water control structures in mosquito control impoundments by governmental mosquito control agencies
62-341.467; 40B-400.467; 40C-400.467; 40D-400.467; 40E-400.467	Breaching mosquito control impoundments by governmental mosquito control agencies
40E-400.470	Temporary agricultural activities
62-341.475(1)(a); 40B-400.475(1)(a); 40C-400.475(1)(a); 40D-400.475(1)(a); 40E-400.475(1)(a)	Piling supported structures, less than 1,000 square feet, not in Outstanding Florida Waters
62-341.475(1)(b); 40B-400.475(1)(b); 40C-400.475(1)(b); 40D-400.475(1)(b); 40E-400.475(1)(b)	Piling supported structures, less than 500 square feet, in Outstanding Florida Waters
62-341.475(1)(c); 40B-400.475(1)(c); 40C-400.475(1)(c); 40D-400.475(1)(c); 40E-400.475(1)(c)	Dredging or filling of less than 100 square feet
62-341.475(1)(d); 40B-400.475(1)(d); 40C-400.475(1)(d); 40D-400.475(1)(d)	Less than 4,000 square feet in uplands subject to vehicular traffic, and less than 9,000 square feet total
62-341.475(1)(e);	Maintenance dredging 50 cubic yards or less, spoil in uplands, turbidity

40B-400.475(1)(e); 40C-400.475(1)(e); 40D-400.475(1)(e); 40E-400.475(1)(d)	control
62-341.475(1)(f); 40B-400.475(1)(f); 40C-400.475(1)(f); 40D-400.475(1)(f); 40E-400.475(1)(e)	Single family residence
62-341.476	Private single-family residences in Jupiter (Palm Beach County), FL
62-341.483; 40B-400.483; 40C-400.483; 40D-400.483; 40E-400.483	Minor activities conducted by the Water Management Districts
62-341.485; 40B-400.485; 40C-400.485; 40D-400.485; 40E-400.485	Environmental restoration or enhancement by the Water Management Districts
62-341.487; 40B-400.487; 40C-400.487; 40D-400.487; 40E-400.487	Change operating schedules for Water Management District control structures
62-341.490	Dredging by the West Coast Inland Navigation District
62-341.495; 40B-400.495; 40C-400.495; 40D-400.495; 40E-400.495	Minor works within national forests by the U.S. Forest Service
40B-400.500; 40C-400.500; 40D-400.500; 40E-400.500	Construction, operation, maintenance, alteration, abandonment, or removal of minor silvicultural surface water management systems
62-312.807; 62-341.600	Construction of artificial reefs
62-312.050(1)(m)	Construction of swales
62-341.601	Clam and oyster culture on sovereignty submerged land aquaculture leases
62-341.602	Installation and maintenance of intake and discharge pipes associated with marine bivalve facilities
62-341.603	Non-nursery cultivation and wild collection of aquatic plants
62-312.810; 62-341.610	Phosphate prospecting
62-312.811; 62-341.611	Temporary dragline crossings of waterways
62-312.812; 62-341.612	Low water crossings
62-312.819	Limited dredging of sediment for aquatic plant management purposes
62-341.620	Construction and maintenance of electric power lines by electric utilities
62-312.050(1)(n)	Construction at electrical power plant sites

62-341.621	Relocation of aerial electric and communication lines associated with road improvement projects
62-341.630	Single family residential lots within the Indian Trail Water Control District
62-312.822	Construction and maintenance of electric power lines by electric utilities

PROCEDURE: Permit applications for proposed projects will be submitted to the appropriate DEP or water management district office. A copy need not be submitted to the Corps if the project falls within the categories of projects covered by this SPGP.

PROJECTS NOT COVERED BY THIS SPGP: Projects excluded and not covered by this SPGP include ones:

- a. subject to the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act;
- b. which are likely to adversely affect a species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, and a formal consultation under Section 7 is required;
- c. which are likely to adversely affect a critical habitat under the Endangered Species Act of 1973, as amended, and a formal consultation under Section 7 is required;
- d. adversely impacting any Marine Sanctuary designated under Title III of the Marine Protection Research and Sanctuaries Act of 1972;
- e. adversely impacting a property eligible for listing on the National Register of Historic Places;
- f. where there is reasonable probability of chemical contamination in the fill material;
- g. located in federal channels or rights of way and projects adjacent to federal channels; or
- h. authorized under DEP or water management district emergency permitting, after-the-fact permitting, or consent order.

SPECIAL CONDITIONS FOR USE OF THE SPGP: In addition to the conditions specified in the tables above, the following special conditions apply to all projects reviewed under this SPGP.

- a. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Compliance with the terms and conditions of this SPGP does not automatically guarantee a permit.
- b. On a case-by-case basis the Corps may impose special conditions which are deemed necessary to minimize adverse environmental impacts.
- c. Failure to comply with all conditions of the federal authorizations under this SPGP would constitute a violation of the federal authorization.
- d. This SPGP will be valid for 5 years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the federal resource agencies will conduct periodic reviews to determine if continuation of the permit is not contrary to the public interest. If revocation occurs, any future applications for activities covered by the SPGP will be evaluated by the Corps.
- e. If the SPGP IV expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP IV will

remain in effect provided the activity is completed within 12 months of the date the SPGP IV expired or was revoked.

f. The general conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION FOR SPGP IV

General Conditions

1. The time limit for completing the work authorized ends on December 17, 2008.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed federal projects.
2. Limits of federal liability. In issuing this permit, the federal government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.




(TRANSFEEE-SIGNATURE)

(DATE)

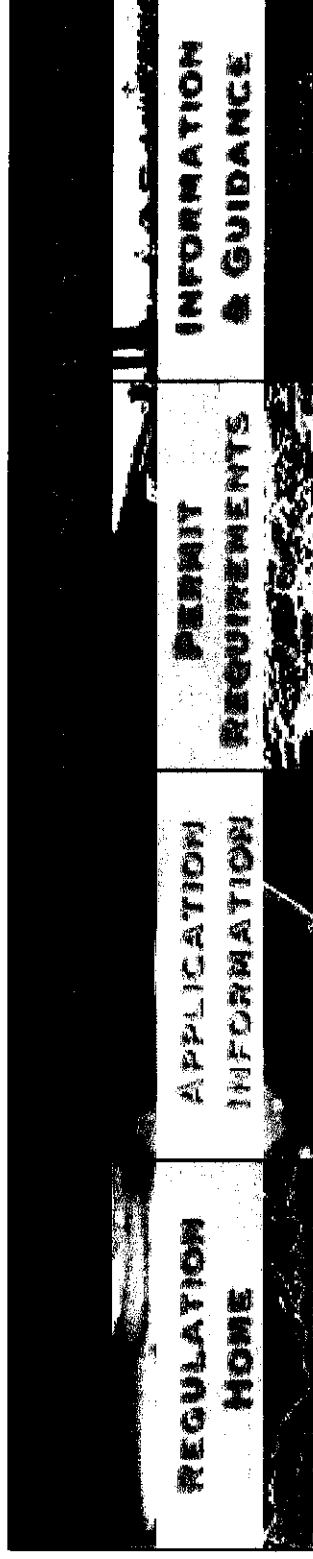
(NAME-PRINTED)

(ADDRESS)

183571

	<i>a responsible balance</i>		
	<p>OUR MISSION: manage and protect the region's water resources.</p> <p>MAIN OBJECTIVE: provide a balance by integrating responsible development with the goals of natural enhancement and protection.</p>		
<p>APPLICATION INFORMATION</p> <p>what type of permit do I need?</p> <p>weekly notice of applications received</p> <p>application and permit information database</p> <p>applications scheduled for governing board</p> <p>application fees</p> <p>water well contractor license</p>	 		
	<p>PERMIT REQUIREMENTS</p> <p>statutes, rules & criteria</p> <p>permit applications & forms</p> <p>permit compliance</p>		
	<p>INFORMATION & GUIDANCE</p> <p>geographic information & maps</p> <p>database information & reports</p> <p>flood routing program</p> <p>know the flow</p> <p>permit application guidebooks</p> <p>everglades regulation</p> <p>meetings & more...</p> <p>contacts</p> <p>news!</p>		
<p>email • disclaimer • search • site map • district contacts • webmaster</p>			

Note: This web site has been designed for browsers (Netscape or Internet Explorer) version 5 or higher.



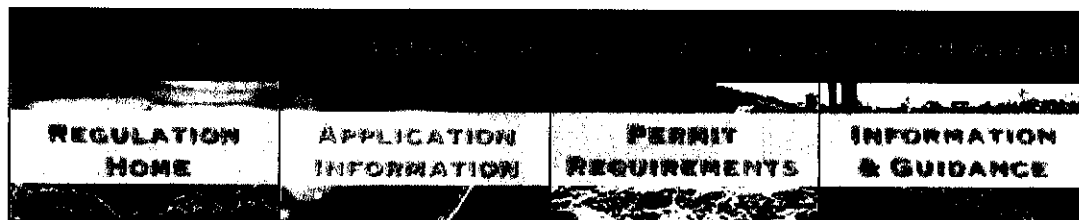
Note: This web site has been designed for browsers (Netscape or Internet Explorer) version 5 or higher.

MEETINGS & MORE...

C-51 Basin Rule Reevaluation Study website

Regulatory Peer Review Forum (Peer Review Group) website

email • disclaimer • search • site map • district contacts • webmaster



Note: This web site has been designed for browsers (Netscape or Internet Explorer) version 5 or higher.

REGULATORY PEER REVIEW FORUM (PEER REVIEW GROUP)

Meeting Facilitator:
Terrie Bates (acting)

Previous Meeting Minutes
[pdf 466kb]

The Regulatory Peer Review Forum (Peer Review Group) was implemented in March of 1996 and focuses on regulatory issues in the Lower East Coast area. Members of the Peer Review Group include representatives of firms who regularly submit permit applications for projects within the East Coast area. These consultants provide input on questions, concerns, and proposed improvements to those parts of the regulatory process which relate to surface water management, dredge and fill, and environmental resource permitting.

An invitation is extended to any consultant who wishes to share perspectives on all aspects of the permitting process in order that the Environmental Resource Regulation Department can better serve the public.

Archived Minutes

2003 Meeting Schedule
Richard Rogers Conf. Room, B-1 Building, 2nd floor east
10am - noon

Next Meeting Agenda
[pdf 96kb]

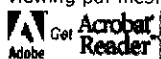
- October 3
- December 5

Archived Agendas

2004 Proposed Meeting Schedule
Richard Rogers Conf. Room, B-1 Building, 2nd floor east
10am - noon

- February 6
- April 2
- June 4
- August 6
- October 1
- December 3

Adobe Reader is required for
viewing pdf files.



ATTACHMENT 3

Public Service Improvement Update

Construction Completion Certifications

- Methodical process for dealing with backlog
- Emphasis on keeping current project current
- Rulemaking to establish criteria for dealing realistically with older projects

Permit streamlining rules - reduce Board items, increase staff-issued GPs

Calculation of 1 acre wetland impact for GP size threshold does not include ditches, upland ponds or wetlands less than ½ in size.

Consistency with Conceptual Permit – no size limits on phase or wetland impact.

Total revision of the Automated Staff Report system

Eliminated significant redundancies between SWM and NRM sections, user friendly for staff, pull information forward from previous applications.

Above-Ground Impoundment program

Revised rules – less paperwork, more inspection time

Continued partnering meetings for consultants / local govt. staff

Functional Assessment Methodology Training

Online Permit Information Database

Online Regulatory GIS Database

Volume IV on CD

Coming Soon! Online distribution of notices of permit applications & staff reports.

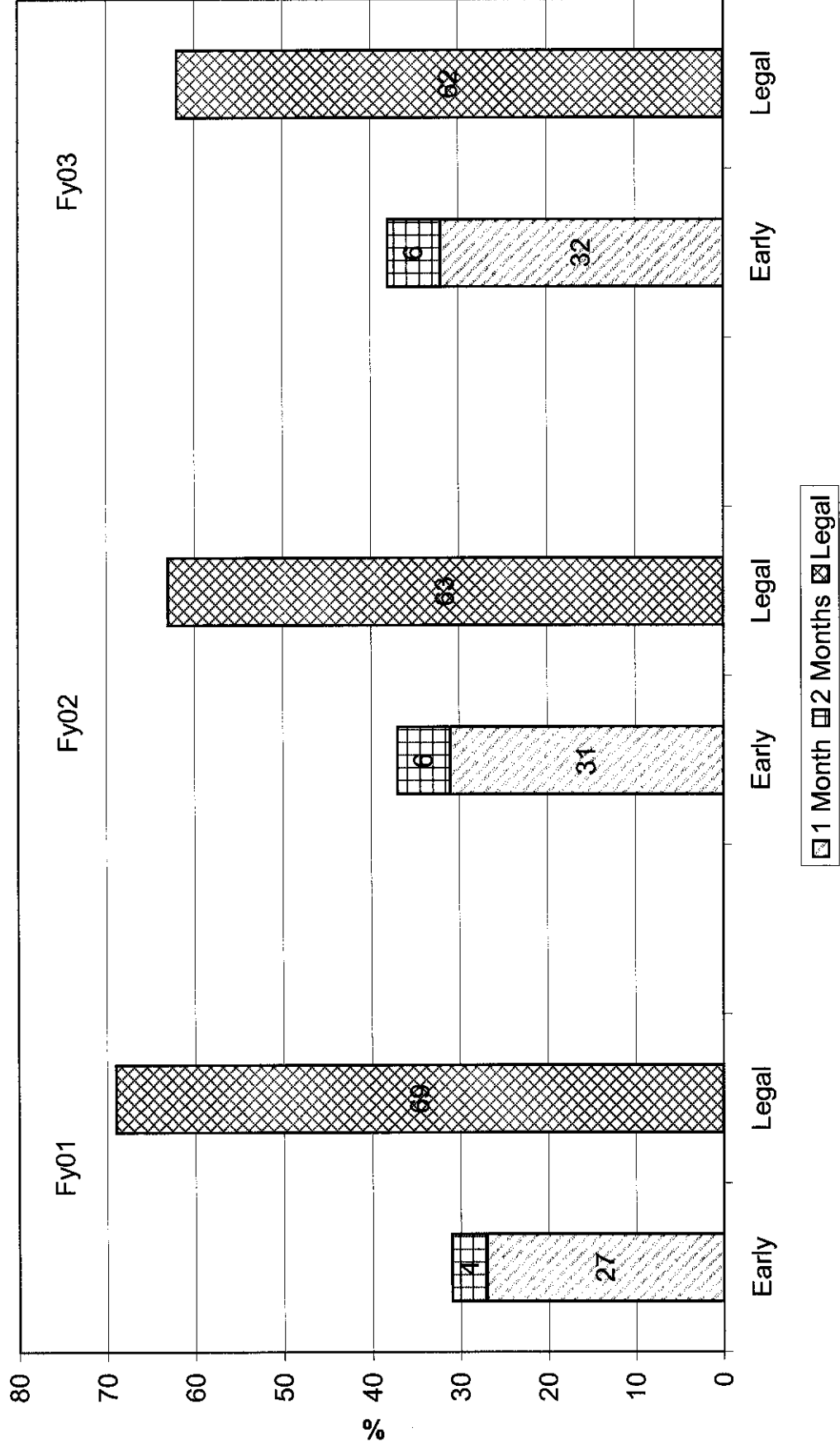
In progress

Formalized training program for staff (draft training modules completed)

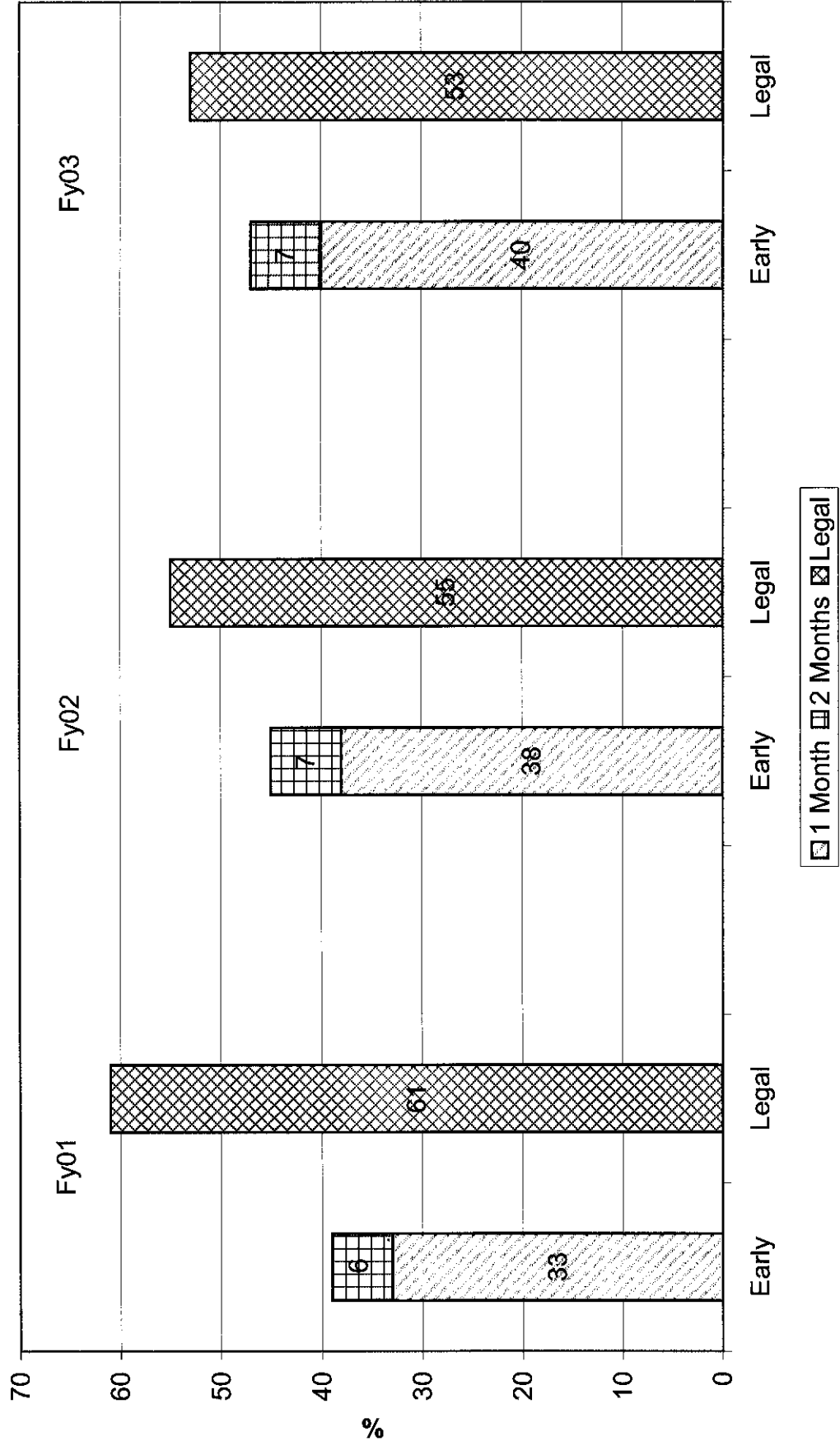
Formalized pre-application process – substantially complete, need to finalize pre-app request form and place on the web

No progress - Revise ERP Application Forms. Should happen with online permitting.

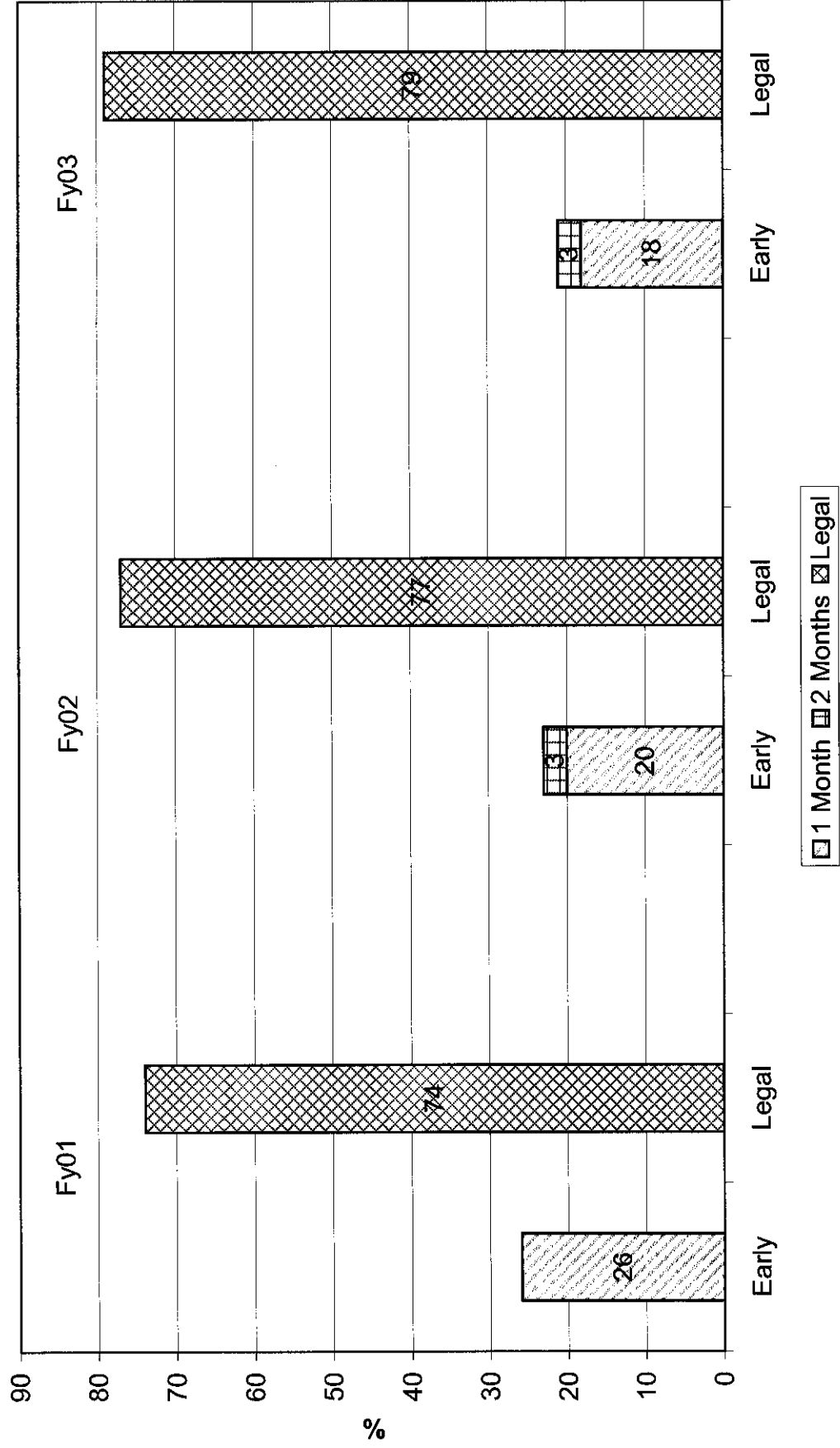
Early/Legal Board for Ind ERP Permits All Offices



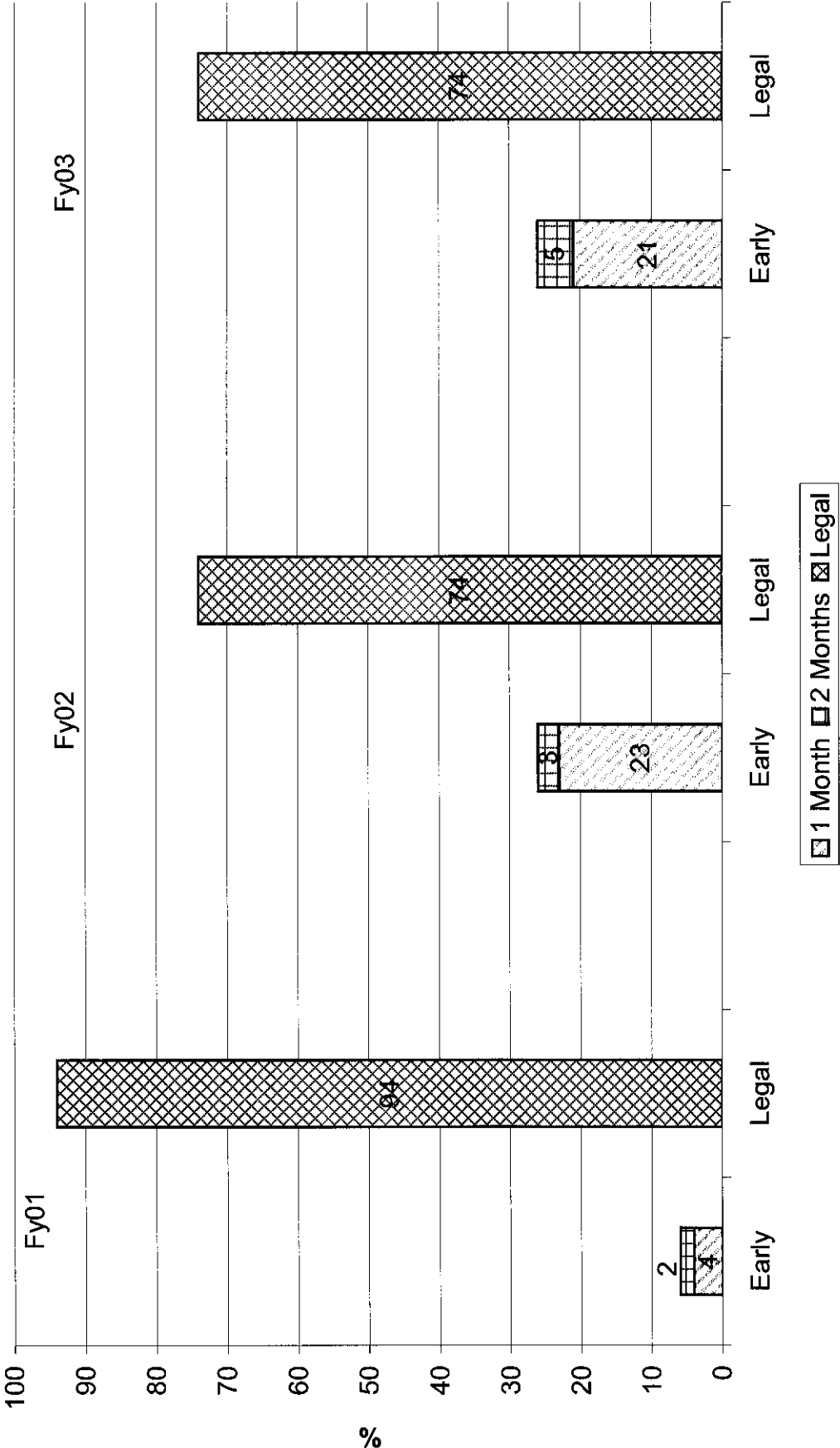
Early/Legal Board for Ind ERP Permits West Palm Beach



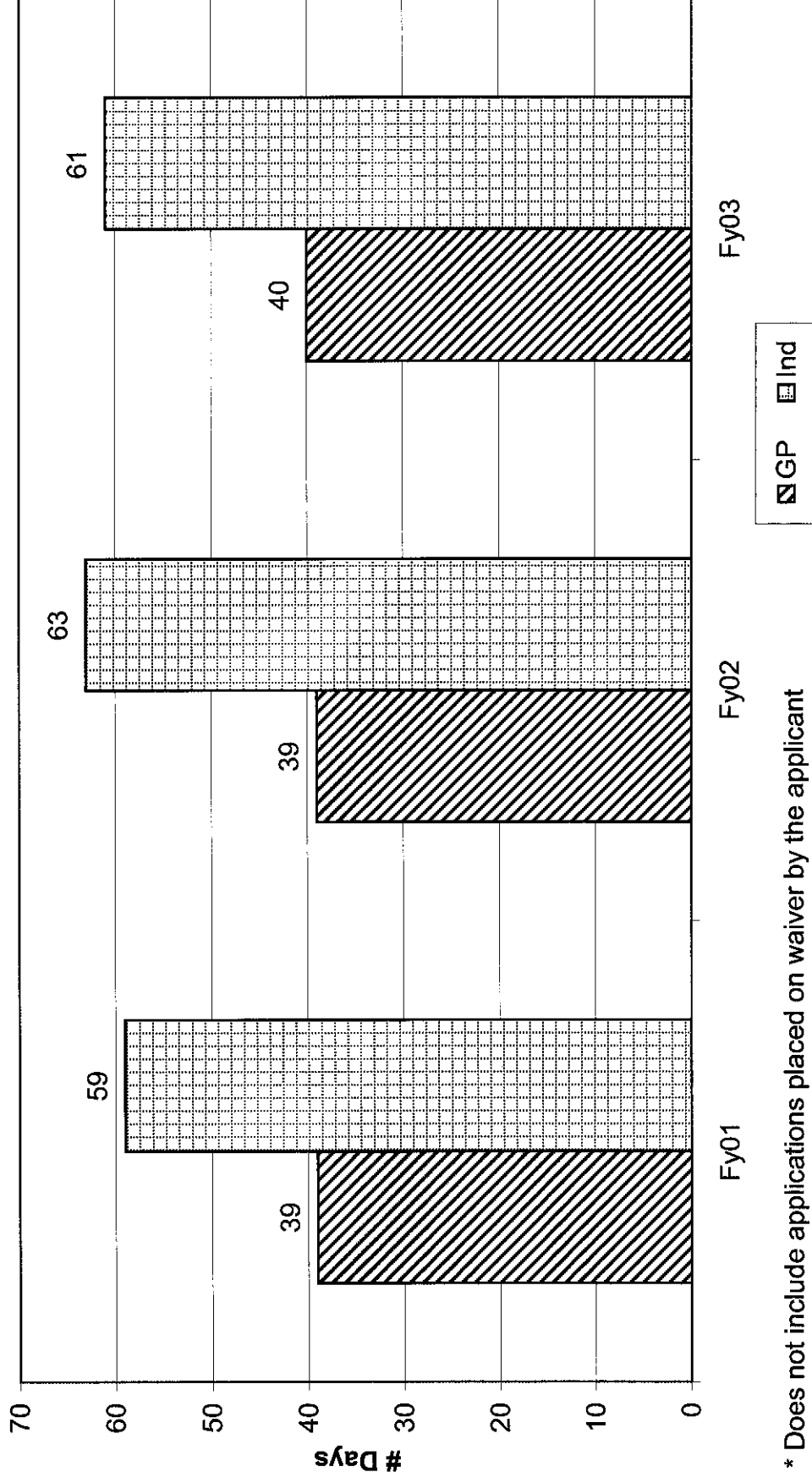
Early/Legal Board for Ind ERP Permits Lower West Coast



**Early/Legal Board for Ind ERP Permits
Orlando**

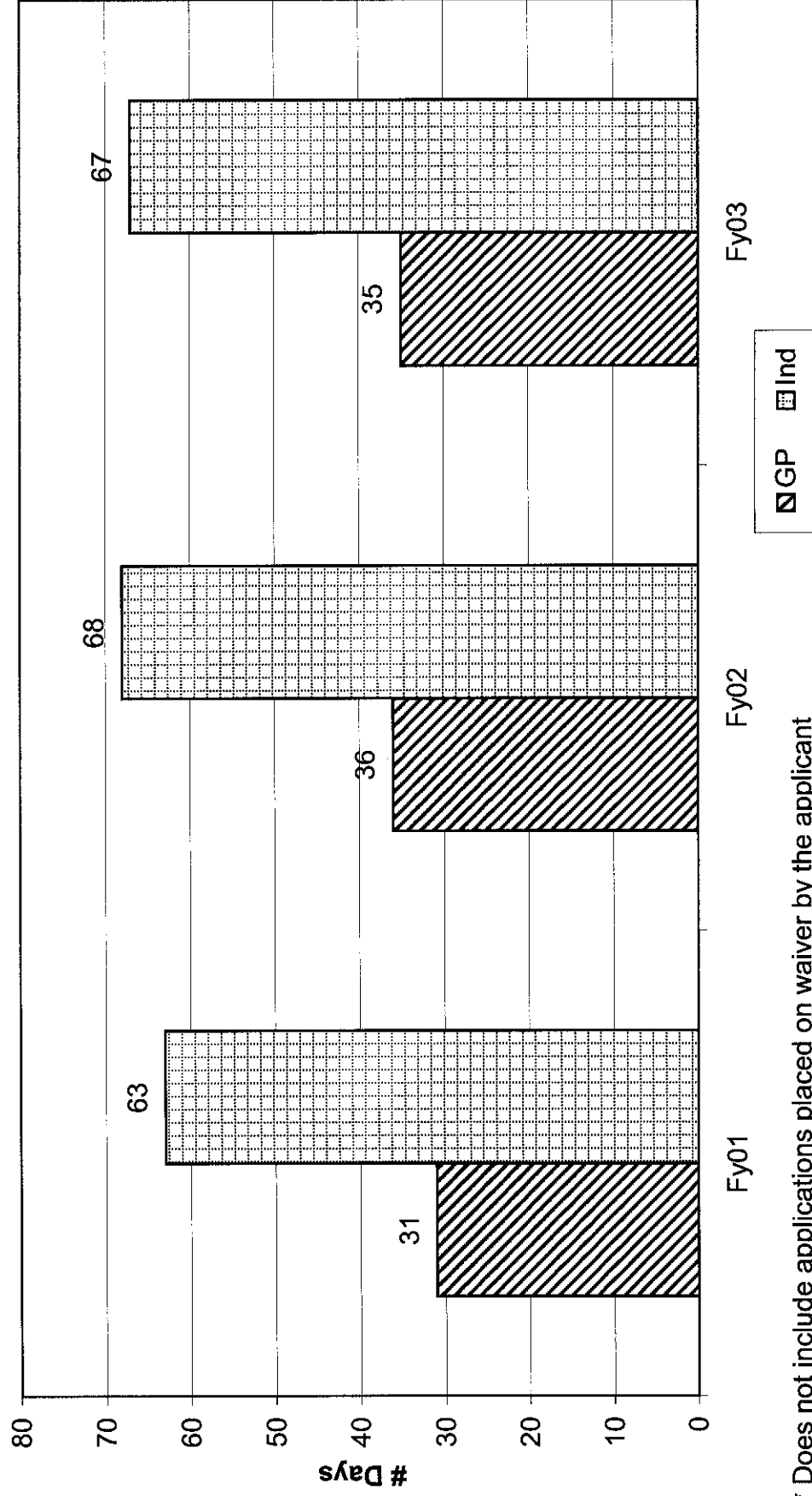


ERP
Average Number of Days to
Issue a Permit After Complete*



* Does not include applications placed on waiver by the applicant

Water Use **Average Number of Days to** **Issue a Permit After Complete***



* Does not include applications placed on waiver by the applicant

ERP
Workload by Service Center
And Total

SWM/ERP Individuals New/Mod by Service Center

<u>Year</u>	<u>WPB</u>	<u>FtM</u>	<u>Orl</u>	<u>Oke</u>	<u>Total</u>
2001	195	70	42	3	310
2002	145	73	43	4	265
2003	148	65	36	3	252

Individuals & GPs by Service Center

<u>Year</u>	<u>WPB</u>	<u>FtM</u>	<u>Orl</u>	<u>Oke</u>	<u>Total</u>
2001	843	433	281	5	1,562
2002	746	450	289	15	1,500
2003	831	472	319	20	1,642

**Water Use
Workload by Service Center
And Total**

SWM/ERP Individuals New/Mod by Service Center

<u>Year</u>	<u>WPB</u>	<u>FtM</u>	<u>Orl</u>	<u>Oke</u>	<u>Total</u>
2001	159	22	13	0	194
2002	124	31	9	0	164
2003	61	32	16	0	109

Individuals & GPs by Service Center

<u>Year</u>	<u>WPB</u>	<u>FtM</u>	<u>Orl</u>	<u>Oke</u>	<u>Total</u>
2001	1,003	84	50	0	1,137
2002	847	206	41	0	1,094
2003	882	338	55	0	1,275

Update on Backlog of Construction Completion Certifications

Certification "backlog" identified of more than 12,000 projects from 1992 to 2001. New initiative in 2001 to deal with backlog of construction completion certifications and to keep the current permits in compliance with CCC requirements. This plan included a systematic method of soliciting certifications, timely follow-up on submittals and implementation of a tracking system.

Prior to implementation of this plan

364 certifications were received annually (176 in WPB)

314 certifications were accepted annually (165 in WPB)

In 2001

839 certifications were received (488 in WPB alone)

758 certifications were accepted (403 in WPB alone)

In 2002

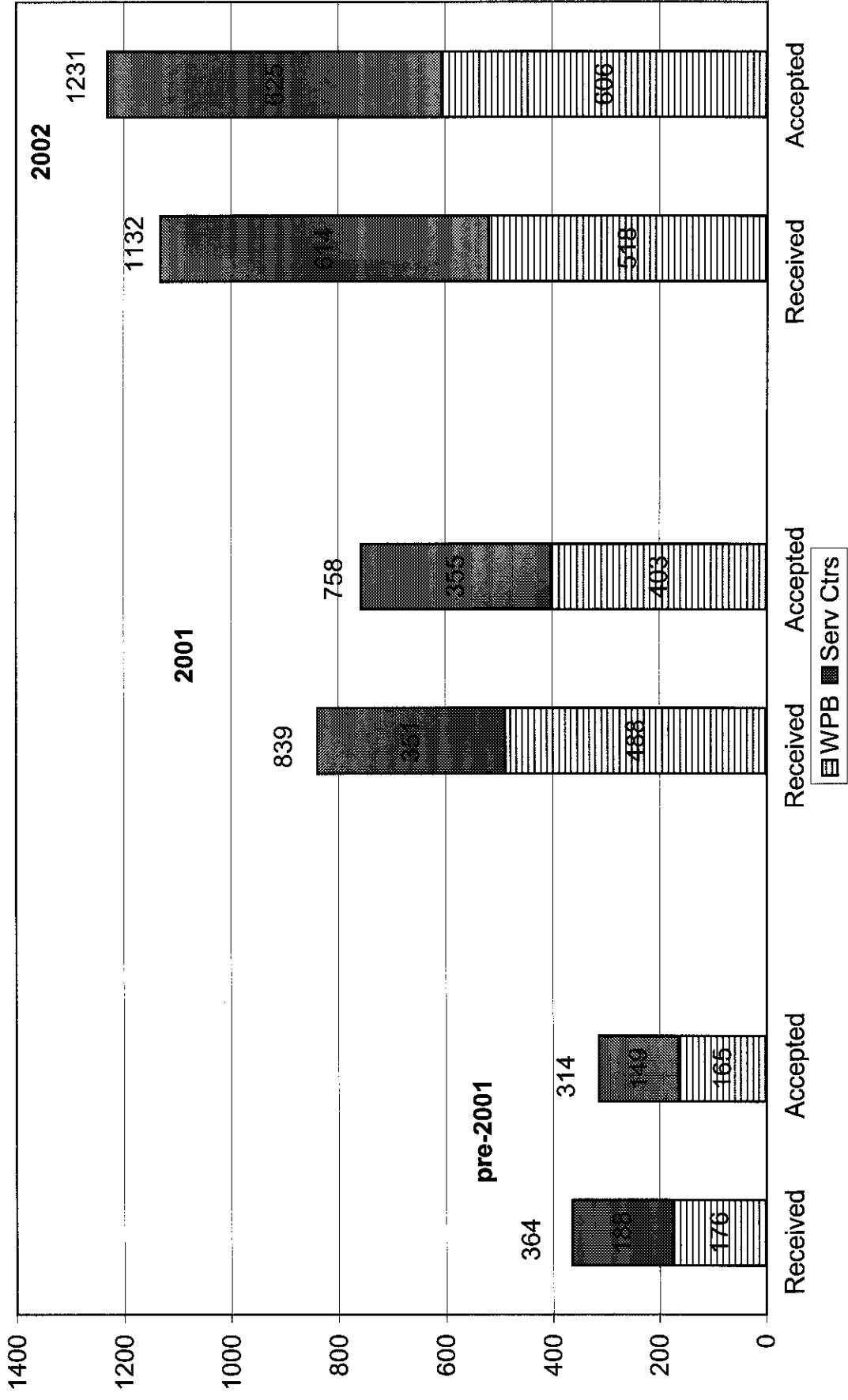
1,132 certifications were received (518 in WPB alone)

1,231 certifications were accepted (606 in WPB alone)

In dealing with the backlog of certifications, staff identified the 4:1 side slope requirement as the major stumbling block to certification and transfer of permits. Rulemaking was initiated to establish criteria for certifying pre-1995 projects which comply with all other aspects of the permit and have been successfully operated and maintained, even though side slopes are steeper than 4:1.

New rule effective: September 16, 2003

Update on Backlog of Construction Completion Certifications



Subject: "COUNCIL OF 100" - WATER MGT TASK FORCE REPORT
From: "GERALD M. WARD" <wardgm@gate.net>
Date: Fri, 03 Oct 2003 08:41:12 -0400
To: wardgm@gate.net

FOLK

Of significant note to the water management interests was the release last Thursday of The Florida Council of 100 (HQ-Tampa) task force report entitled "Improving Florida's Water Supply Management Structure" - September 2003.

The report is only two dozen pages, but, highly controversial. It is available on the internet at the Council web site:
<http://www.fc100.org/> GO TO TASK FORCE - WATER MANAGEMENT

The Report has five recommendations:

1. Establish a Water Supply Commission, with a statewide perspective, to ensure an adequate water supply to sustain the environment and accommodate forecasted population growth.
2. Establish a Water Data Center that is clearly in cooperation with the U.S. Geological Survey and the Florida Geological Survey.
3. Establish a Science Advisory Council, comprised of voluntary scientists and engineers.
4. Find ways to encourage public-private partnerships and public-public partnerships.
5. Conduct analysis to determine practicality of a statewide water distribution system that ensures all safeguards for future growth and protection of the environment.

The Florida Senate President Jim King has ordered the Senate Committee on Natural Resources to hold four hearings this month and one in November:

October 8, Lakeland, Lakeland Center

6:00 PM - 8:00 PM

October 9, Jacksonville, University of North Florida

6:00 PM - 8:00 PM

October 14 in Boca Raton (tentatively set for the FAU campus)

6:00 PM- 8:00 PM

October 20, Panama City, Location & Time TBA

November 17, Tallahassee???, Location & Time TBA

(For more information - Senate Natural Resources 850/487-5372)

The Florida Chamber of Commerce has been working on a report with similar topic for many months. Contact Chuck Littlejohn for further information. chuck@littlejohnmann.com